United Nations A/66/260

General Assembly

Distr.: General
4 August 2011

Original: English

Sixty-sixth session
Item 59 of the provisional agenda*
Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Question of Western Sahara

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 65/112, summarizes the report submitted by the Secretary-General to the Security Council on the situation concerning Western Sahara in the period from 1 July 2010 to 30 June 2011.

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11-44430 (E) 220811

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1. On 10 December 2010, the General Assembly adopted, without a vote, resolution 65/112 on the question of Western Sahara. The present report, covering the period from 1 July 2010 to 30 June 2011, is submitted in accordance with paragraph 7 of that resolution.

2. Pursuant to Security Council resolution 1920 (2010), the Secretary-General submitted a report dated 1 April 2011 (S/2011/249) to the Security Council on the situation concerning Western Sahara. In that report, the Secretary-General informed the Council of the activities of his Personal Envoy to promote negotiations on Western Sahara. He also included some new ideas for the parties' consideration (ibid., para. 120).

3. The period from 1 July 2010 to 30 June 2011 was one of intensified activity on this item with the parties and neighbouring States, as well as with other members of the international community. By the end of the five rounds of informal talks held during this time frame, the parties had agreed to future discussion of factors affecting the negotiating atmosphere, as well as of specific subjects of mutual interest, and had reaffirmed, and in some cases agreed to steps to implement, prior agreements on confidence-building measures. They also succeeded in conducting their exchanges throughout the five rounds on the basis of a respectful give-and-take dialogue and committed themselves to meeting more frequently. However, on the core issues of the future status of Western Sahara and the means by which the self-determination of the people of Western Sahara is to occur, no progress was registered. The parties continued to adhere to what the Personal Envoy has previously characterized as "unyielding adherence to mutually exclusive positions". In short, they continued to demonstrate the political will to meet at regular intervals, but have yet to demonstrate the political will to break the stalemate.

4. From 21 June to 1 July 2010, the Personal Envoy visited the capitals of three States members of the Group of Friends of Western Sahara — London, Paris and Madrid — to encourage their sustained interest in and continued support of the negotiating process and to exchange views on how best to steer that process towards a mutually acceptable political solution. To the same end, he consulted with senior officials in Washington, D.C., on 16 July 2010 and in Moscow from 12 to 14 September 2010. Everywhere, he found recognition of the need to move beyond the status quo, a readiness to work with him and the parties to promote more substantive engagement and more flexible discussions, and agreement on the need to intensify work on confidence-building measures, including the resumption of family visits by air, the early inauguration of family visits by road and early consideration of other confidence-building measures contained in the 2004 plan of action of the Office of the United Nations High Commissioner for Refugees (UNHCR).

5. A third round of informal talks between the parties was to have taken place in early August 2010. However, the sudden death in July of Mahfoud Ali Beiba, the head of the delegation of the Frente Polisario, made it difficult to maintain this schedule, and the parties concurred that it was best to wait until after Ramadan (11 August to 10 September) and the high-level meetings and general debate of the General Assembly to meet again.

6. In mid-September 2010, UNHCR and the Personal Envoy again attempted to resume family visits by air, but a dispute over proper notification to the parties and other issues prevented their resumption.

7. The Personal Envoy undertook a fourth visit to the region from 17 to 26 October 2010 to prepare the way for a third round of informal talks by holding discussions with the parties and neighbouring States. As on his previous visit, he met with the Heads of State of Algeria, Mauritania and Morocco, with the Secretary-General of the Frente Polisario and other senior officials. All reiterated their commitment to the negotiating process, while at the same time restating their red lines on the core issues of the future status of Western Sahara and the form of self-determination of its people. His consultations also provided an opportunity to discuss human rights and terrorism.

8. That fourth visit coincided with increased tensions arising from the action by Saharan residents of Laayoune to establish an encampment outside that city to protest difficult socio-economic conditions, including unemployment and perceived discrimination.

9. The third round of informal talks was held from 7 to 10 November 2010 on Long Island, New York. The opening session, scheduled for the morning of 8 November, coincided with Moroccan action to dismantle the Saharan protest encampment outside Laayoune and subsequent confrontations within the city. The ensuing tensions threatened to derail the talks, inasmuch as the delegation of the Frente Polisario questioned the motives and timing of the Moroccan action and the utility of proceeding with talks as violence escalated. It took a significant effort by my Personal Envoy to convene the opening session, and throughout the round the Frente Polisario and Morocco accused each other repeatedly of escalating tensions and engaging in human rights violations in Western Sahara and in the refugee camps in the Tindouf area.

10. As became the pattern in succeeding rounds, the first session was devoted to the two proposals that the parties had presented in April 2007 (see S/2007/206 and S/2007/210). By the end of this discussion, it was clear that, as in the past, neither party accepted the proposal of the other as the sole basis of future negotiations. To foster constructive engagement despite the continuing impasse, the Personal Envoy proposed to the parties that they reflect on how to create a new dynamic at future rounds by pondering innovative approaches for the negotiating process and identifying subjects that could be discussed irrespective of the final status of Western Sahara. The goal was to get the parties to deconstruct their proposals, find subjects to be discussed as building blocks towards the consideration of the core issues, and foster the gradual emergence of trust and confidence. They agreed to incorporate this approach into future rounds; in so doing, the parties sought and received assurances that such an approach did not constitute an abandonment of their respective proposals, but was instead a supplementary way of approaching the core issues.

11. For the session on confidence-building measures, the Personal Envoy sought and obtained the active participation of the delegations of the neighbouring States, Algeria and Mauritania, in the discussions for the first time, thus deepening their contribution to the overall negotiating process. At the same time, the two neighbouring States maintained their insistence that the core issues must be addressed solely by Morocco and the Frente Polisario. The Personal Envoy stressed that present and future confidence-building measures were humanitarian in nature and must not be subjected to political considerations. This being so, he asked that family visits by air resume unconditionally and without delay, and the parties

agreed. To permit a full review of current and proposed confidence-building measures, the Personal Envoy also proposed that delegations from the parties and the neighbouring States meet, in his presence, with UNHCR in Geneva in early February 2011, and all agreed.

12. The fourth round of informal talks was held from 16 to 18 December 2010 at the same venue as the third. The April 2007 proposals of the parties were again presented, and again each party continued to reject the proposal of the other as the sole basis for future negotiations. As agreed at the previous round, and with the assistance of my Personal Envoy, the parties engaged in preliminary discussions on innovative approaches and on subjects to be discussed. However, the atmosphere was again affected by the aftermath of the events in Laayoune, with each party accusing the other of human rights violations and questioning the other's political will to find a solution to the conflict. At the end of the round, the Personal Envoy called upon the parties to create a new dynamic in 2011 on the basis of regular meetings and to avoid actions that undermined the creation of the atmosphere of trust needed for progress to be made.

13. The fifth round of informal talks was held from 21 to 23 January 2011 at the same venue as the two previous rounds. Again, the parties continued to reject each other's proposals as the sole basis of future negotiations. As agreed at the previous round, the Personal Envoy invited the parties to continue their exploration of innovative approaches and subjects for discussion. The parties responded by making concrete proposals for over a dozen innovative approaches and some 10 subjects for discussion. Most of these were couched in terms that served the agenda of one or another of the parties, and, as a result, the parties were unable to reach a consensus on any of them other than the "innovative approach" of having the Personal Envoy intensify and diversify his activities. To achieve more progress at the next round, the Personal Envoy asked the parties to prepare a revised list of innovative approaches and subjects for discussion, putting aside the most controversial elements and, where possible, recasting others in terms to which both parties could agree.

14. As agreed at the third round of informal talks, delegations from the parties and neighbouring States met with representatives of UNHCR in the presence of the Personal Envoy and my Special Representative for Western Sahara and Head of MINURSO on 9 and 10 February 2011 in Geneva. During that meeting, the parties and neighbouring States reiterated their support for the proper implementation of the 2004 plan of action of UNHCR on confidence-building measures, as well as for the UNHCR technical mission to be deployed in April 2011, to create the most favourable conditions possible for the implementation of family visits by land. They also agreed to meet every six months with UNHCR in Geneva to follow up on the implementation of the confidence-building measures.

15. The sixth round of informal talks was held from 7 to 9 March 2011 in Mellieha, Malta, with logistical assistance from the Government of Malta. In opening this round, the Personal Envoy asked the delegations of the parties and of the neighbouring States to reflect on the implications for the Western Saharan negotiating process of the protest movements sweeping across the Middle East and North Africa and suggested that, to minimize the dangers to their own subregion, the parties would do well to begin negotiating seriously, while the neighbouring States could lend greater assistance to the process.

16. To focus the opening session on the two proposals of April 2007, the Personal Envoy asked the delegations of the parties to summarize the various questions that each had asked of the other with regard to the two proposals, beginning with the first round of informal talks held in Dürnstein, Austria, on 9 and 10 August 2009.

17. The delegation of the Frente Polisario reviewed the questions it had asked on substantive aspects of the Moroccan proposal. In previous rounds, the delegation of Morocco had refrained from fully replying to those questions, arguing that they were being posed solely in the framework of the proposal of the Frente Polisario for a referendum that included independence as an option. On this occasion, the delegation of Morocco did provide answers that clarified many aspects of its proposal.

18. The delegation of Morocco, for its part, put forward observations and questions on the proposal of the Frente Polisario. These dealt largely with the origins and timing of that proposal, the fact that it seemed to have been inspired by the last peace plan put forward by the former Personal Envoy, James Baker, and its omission of any discussion of the option of autonomy. No questions were asked on that portion of the proposal that described the parameters for relations with Morocco in the event of independence. The delegation of the Frente Polisario refrained from answering most of the questions posed, arguing that they were out of place, ignored the essence of its proposal and sought to blame it for not addressing the option of autonomy.

19. At the session on innovative negotiating approaches and specific subjects for discussion to be examined in detail at future meetings, the parties engaged in extensive exchanges on the various proposals put forward in the course of previous rounds. With regard to subjects to be discussed, the parties agreed to examine two proposals: the demining programme and the natural resources of Western Sahara and their use. With regard to innovative negotiating approaches, the parties finally agreed to examine three subjects: what constitutes provocation and how to avoid it, what measures can be taken to calm the situation, and what diversified and complementary forms of activity the Personal Envoy can undertake. After lengthy exchanges that highlighted fundamental differences between the parties as to the parameters and timing of any eventual discussion, the issue of human rights, proposed by the delegation of the Frente Polisario at previous rounds and embraced by the delegation of Morocco at this round, was withdrawn at the request of the delegation of the Frente Polisario.

20. The seventh round of informal talks was held on Long Island, New York, from 5 to 7 June 2011. The purpose of the meeting was to review the guidance provided in Security Council resolution 1979 (2011) and to encourage the parties to deepen their discussion of their two proposals, including by expanding their exploration of innovative approaches and topics for discussion and devoting attention to the ideas in paragraph 120 of my report of 1 April 2011 (S/2011/249), and exchanging views on resolution 1979 (2011). As in previous informal meetings, the parties discussed the two proposals. At the end of the meeting, it was once again clear that neither party was prepared to accept the proposal of the other. However, for the first time, the parties engaged in exchanges on the mechanism for self-determination of the Sahrawi people. They also began discussing demining and asked for the assistance of the United Nations Secretariat in proposing a framework for reflection for future exchanges on natural resources. Regarding confidence-building measures, the

parties and the neighbouring States reiterated their support for the implementation of family visits by road, as well as for a workshop to be organized by UNHCR in Madeira, Portugal, in September 2011 and a six-month review meeting with UNHCR later in the year. For the next informal meeting, the parties agreed to propose for discussion specific aspects of governance of the Territory regardless of the final solution.

21. The agreements reached to date, particularly those with regard to subjects for future discussion, provide a considerable agenda for future meetings. However, much will depend on the motivations and spirit of the parties as they proceed to engage on them. While both emphasize their full commitment to the search for a solution, a total lack of trust continues to haunt the negotiating process, and each party harbours deep suspicions of the other. The delegation of Morocco, for its part, has expressed concern that the Frente Polisario is attempting both to steer the talks back to the last peace plan of the former Personal Envoy, James Baker, instead of embracing Morocco's proposal for autonomy, and to present the international community with the conclusion that no significant progress has been made on the core issues of the future status of Western Sahara and the exercise of self-determination.

22. The delegation of the Frente Polisario has voiced concern that Morocco is exploiting the exploration of innovative approaches and specific subjects for discussion both to divert the talks from examination of the proposals of April 2007 and to present the international community with the appearance of progress.

23. The parties have agreed to hold another round of informal talks from 19 to 21 July 2011 to examine the proposals of April 2007 yet again and to discuss one or more of the innovative approaches or specific subjects. In addition, the parties have agreed in principle to hold further rounds regularly until enough progress has been made to convene a round of formal negotiations. As this process unfolds, ample opportunities will exist for the parties to confirm their intentions, demonstrate the political will not only to continue meeting, but also to engage in genuine negotiations and to accept greater shared ownership of the negotiating process. These more frequent meetings will also give the parties and the neighbouring States, as they have in the past, informal opportunities to exchange views and clarify positions on important regional and bilateral issues of common interest.